

10/534561

JC20 Rec'd PCT/PTO 09 MAY 2005

PATENT

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Serial No.: Not yet assigned)
Filed: May 9, 2005)
For: BREATHING ASSISTANCE)
APPARATUS)
Applicant: Wixey et al.)
Examiner: Not yet assigned)
Art Unit: Not yet assigned)
Attorney Ref: 1171/42920/159)

Certificate of Mailing by "Express Mail"

Mailing Label Number EV36512885745

Date of Deposit: May 9, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 35 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Tiffany E. Sexton
TIFFANY E. SEXTON

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant submits the present Information Disclosure Statement and Form PTO/SB/08A.

This Information Disclosure Statement is being filed concurrently with the National Phase filing of PCT/NZ2003/00243 on the merits and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

The references cited in this Information Disclosure Statement are either cited in the Summary of the Prior Art section of the patent application or the Search Report completed on February 17, 2004, a copy of which is enclosed with the patent application.

JC20 Rec'd PCT/PTO 09 MAY 2005

The foreign references are not in the English language, therefore, attached to each foreign patent is an English abstract.

In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Should the Examiner believe a fee is required, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated: May 9, 2005

By: 

Raiford A. Blackstone, Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903
Trexler, Bushnell, Giangiorgi,
Blackstone & Marr, Ltd.
105 W. Adams Street, 36th Floor
Chicago, Illinois 60603
312-704-1890

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

(Use as many sheets as necessary)

Application Number	Not Yet Assigned
Filing Date	May 9, 2005
First Named Inventor	David Fraser Wixey
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	1171/42920/159

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
		DE19630466	02/05/1998	Nikolaus		
		JP9276408	10/28/1997	Katsumasa		
		WO 01/10489	02/15/2001	Wolfgang		

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.